

Jack Anderson's Washington Merry-go-round

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With Les Whitten

WASHINGTON — For over 20 years, the Justice Dept. has been winking at crimes committed by employees of the Central Intelligence Agency. Even serious crimes and felonies unrelated to official duties have been ignored.

This is the conclusion of a still secret report compiled by the House Government Information and Individual Rights subcommittee. The congressional investigators were so shocked by the Justice Dept.'s leniency that they recommended a "Special Prosecutor be appointed to prosecute illegal activities of intelligence agency personnel."

An independent prosecutor is needed, the report bluntly states, because the Justice Dept. has failed to move even in instances where there were "widespread admissions" of criminal activity and "the illegalities by the intelligence personnel (were) unrelated to their job activities."

"The Justice Department has assisted in setting the CIA above the law," the report continues, "by allowing the CIA to decide which cases would be too sensitive to prosecute, and by allowing the CIA to withhold whatever information it sees fit..."

The Justice Dept.'s softness on the CIA dates from a 1954 agreement between the two agencies which, in effect, gave the CIA the right to block a prosecution or keep a crime secret in the name of "national security."

A year later, Congress passed a law requiring government agency heads to report the illegal activities of their employees to the Justice Dept. The CIA, however, has rarely complied.

"Given the CIA's self interest," states the congressional report, "it is not surprising that the CIA chose to permit the prosecution of but very few cases and found much of its (illegalities) too sensitive to reveal."

Between 1954 and 1974, according to CIA files obtained by the subcommittee, there were at least 31 cases involving possible federal crimes committed by CIA personnel. None of these incidents involved acts authorized by the CIA and none were related to official duties. Crimes that may have been committed while executing officially sanctioned activities such as wiretaps and break-ins

were excluded from the statistics.

The crimes included narcotics smuggling, embezzlement, theft of government funds, impersonation of a military officer, espionage and black-marketing.

Of the 31 possible crimes, only 14 were referred to Justice by the CIA and only two agency employees were actually brought to trial. Some of the cases called to the attention of the Justice Dept. were later dropped at the CIA's urging, ostensibly because sensitive information would have to be revealed during discovery or trial.

In one glaring example, the Justice Dept. was forced to drop a case against an alleged opium smuggler because of the CIA's steadfast refusal to cooperate.

Puttaporn Khamkhruan, a CIA operative from Thailand, was indicted in 1973 for illegally importing 25 kilos of raw opium into the United States. At first, the CIA's associate general counsel, John K. Greaney, promised he would cooperate fully with the U.S.

attorney who was prosecuting the case. When it came time to release CIA documents, however, Greaney executed an abrupt about-face and even refused to allow a federal judge to examine them.

The U.S. attorney appealed to the Justice Dept. for an order that would force the CIA to cough up the documents. Without even asking for a cursory examination of the papers in question, Justice backed the CIA.

In later testimony before the congressional subcommittee, Greaney explained that he had changed his mind about cooperating in the prosecution because it would embarrass the CIA if one of its operatives were found guilty of smuggling opium. Furthermore, he claimed, exposure of the documents would reveal some of the CIA's sources and methods of operation in Southeast Asia.

"The behavior of CIA officials in this case," concluded the congressional investigators, "indicates that they still believe that the agency and its

employees are above the criminal law... Additionally, this case illustrates that the CIA interprets 'national security' with undue breadth... Risking political embarrassment of the CIA is not and should not be deemed synonymous with risking the security of the United States."

For its part, the Justice Dept. had been "puzzlingly neglectful and inept" and may "have assisted in a cover-up of CIA participation in Southeastern Asian drug traffic."

Footnote: Congressional investigators for the subcommittee refused to comment on the grounds that the report is still confidential. A Justice Dept. spokesman said only that his department was opposed to the appointment of a special prosecutor solely for the purpose of prosecuting the illegal activities of CIA operatives. A spokesman for the CIA said the agency had not yet seen the report and, therefore, could not comment.